

**IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF VIRGINIA**

COMPLAINT UNDER CIVIL RIGHTS ACT 42 U.S.C. § 1983

Action Number 1:22-cv-132 LMB/JFA

(To be supplied by the Clerk, U.S. District Court)

Please fill out this complaint form completely. The Court needs the information requested in order to assure that your complaint is processed as quickly as possible and that all your claims are addressed. Please print/write legibly or type.

I. PARTIES

A. Plaintiff:

1. (a) Nicholas Gavin (b) 20-007767
(Name) (Inmate number)
- (c) P.O. Box 6098
(Address)

Virginia Beach, VA 23456

Plaintiff MUST keep the Clerk of Court notified of any change of address due to transfer or release. If plaintiff fails to keep the Clerk informed of such changes, this action may be dismissed.

Plaintiff is advised that only persons acting under the color of state law are proper defendants under Section 1983. The Commonwealth of Virginia is immune under the Eleventh Amendment. Private parties such as attorneys and other inmates may not be sued under Section 1983. In addition, liability under Section 1983 requires personal action by the defendant that caused you harm. Normally, the Director of the Department of Corrections, wardens, and sheriffs are not liable under Section 1983 when a claim against them rests solely on the fact that they supervise persons who may have violated your rights. In addition, prisons, jails, and departments within an institution are not persons under Section 1983.

B. Defendant(s):

1. (a) City of Virginia Beach (b) Virginia Beach Correctional Center
(Name) (Title/Job Description)
- (c) P.O. Box 6098
(Address)

Virginia Beach, VA 23456

2. (a) Stormy Lampe (Name) (b) (LPN) at Vd. Beach Correctional Center (Title/Job Description)
- (c) P.O. Box 6098 (Address)
- Virginia Beach, Va 23456
3. (a) _____ (Name) (b) _____ (Title/Job Description)
- (c) _____ (Address)
- _____

If there are additional defendants, please list them on a separate sheet of paper. Provide all identifying information for each defendant named.

Plaintiff MUST provide a physical address for defendant(s) in order for the Court to serve the complaint. If plaintiff does not provide a physical address for a defendant, that person may be dismissed as a party to this action.

II. PREVIOUS LAWSUITS

- A. Have you ever begun other lawsuits in any state or federal court relating to your imprisonment? Yes [] No ☒
- B. If your answer to "A" is Yes: You must describe any lawsuit, whether currently pending or closed, in the space below. If there is more than one lawsuit, you must describe each lawsuit on another sheet of paper, using the same outline, and attach hereto.

1. Parties to previous lawsuit:

Plaintiff(s) N/A

Defendant(s) N/A

2. Court (if federal court, name the district; if state court, name the county):

N/A

3. Date lawsuit filed: N/A

4. Docket number: N/A

5. Name of Judge to whom case was assigned: N/d

6. Disposition (Was case dismissed? Appealed? Is it still pending? What relief was granted, if any?):

N/d

III. GRIEVANCE PROCEDURE

A. At what institution did the events concerning your current complaint take place: _____

Virginia Beach Correctional Center

B. Does the institution listed in "A" have a grievance procedure? Yes ☒ No ☐

C. If your answer to "B" is Yes:

1. Did you file a grievance based on this complaint? Yes ☒ No ☐

2. If so, where and when: I submitted my complaint here at the jail on 12-27-21

3. What was the result? there has been no results as of yet. She (Stormy Hampe) still has not been punished.

4. Did you appeal? Yes ☐ No ☒

5. Result of appeal: not as of yet. Still waiting to see if she gets punished by the law.

D. If there was no prison grievance procedure in the institution, did you complain to the prison authorities? Yes ☒ No ☐

If your answer is Yes, what steps did you take? I took steps in the grievance process.

E. If your answer is No, explain why you did not submit your complaint to the prison authorities:

N/d

that every time she comes around she wants me to stroke my penis to her and she'd give me extra medicine.

3) This is the trouble I had told her in June of ~~this~~ year 2021, that I'm really not feeling the stroking myself thing to her and that I'm really not that attracted to her. This is when she tells me: "If you don't continue to beat that dick for me, I'll write you up and get you charged for you doing it anyway, it's your choice". I told her that I don't care about the extra drugs or her threat. I made sure every time she came around a deputy could see me the whole time she was there.

4) This is when she starts messing with my mental health medication. This is now June/July of ~~this~~ year 2021. I was now in B1 Block and when they did the nurse switch, she came to B-side. When she would give me my meds she would leave out my mental health meds. I am diagnosed with Bipolar depression, ADHD and Schizophrenia. I need my medication. When I told her to get my meds, she states: "All of your meds are there". They were not. I told the deputy and he said she said there all there.

5) The next time I seen her was early December 2021. She again did not put my mental health meds in the cup. And again the same scenerio. I was in d2d.

6) This was the last straw. On the 24th of December 2021, Stormy was working C3F (the hole) where I am¹¹⁰ (continue on pg. 3)

Currently At (on an unrelated issue). When she does med pass my mental health meds were not in the cup. I told the deputy that she's been constantly doing this and he said she said all my meds were there, which in fact they were not.

7) I got fed up. As she was walking away I said some choice words and told her that I was gonna write her up for her sexual manipulation towards me and for her giving not only me extra drugs to get high and sell but to others as well. When I told her this she got mad and told the deputy to write me up for cussing her out.

8) Stormy Lampe is a pharmaceutical drug dealer here in this jail. She loves the sexual attention and takes advantage of it. She is also vindictive and has made it so I have emotional and mental break downs on these nights I have not gotten my meds, do to her malicious ways.

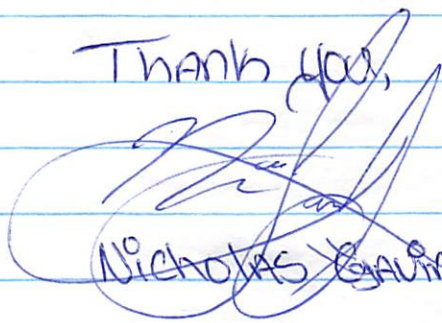
9) I have been emotionally and mentally scared do to her threatening sexual advances and terrible restless nights with haunting experiences around me coming from inside my head.

10) She (Stormy Lampe) deserves to be punished to the full extent of the law. Virginia Beach should be held responsible for having someone who feeds people drugs for sexual acts.

Thank You^{mn} (continue on pg. 4)

for hearing my very serious complaint. I PRAY that
the courts handle this matter accordingly.

Thank you,

A large, stylized handwritten signature in blue ink, appearing to read 'Nicholas Baum', is written over the printed name.

NICHOLAS BAUM #20-007767

IV. STATEMENT OF THE CLAIM

State here the facts of your case. Describe how each defendant is involved and how you were harmed by their action. Also include the dates, places of events, and constitutional amendments you allege were violated.

If you intend to allege several related claims, number and set forth each claim in a separate paragraph. Attach additional sheets if necessary.

1) This all started around February/March, year 2021. I was here at the Virginia Beach Correctional center in the block of d3P, when I seen ~~Stormy~~ Stormy Lampe training with another nurse passing out medication. I immediately recognized her as a person that I had had sexual encounters with before coming to jail. When the other nurse was distracted I went and talked to stormy. She told me that she would be working passing out meds by herself soon.

2) This is where things went bad. Stormy came around for med pass by herself the following week, after talking to her. She (Stormy) went in the cart to get my meds and when I got them there was extra pills in ~~my~~ the medicine cup. She (Stormy) winked at me, and when the deputy had walked off to talk to someone in the block next to d3P, she (Stormy) called me to the bars and proceeded to tell me that she would give me extra meds to get high. She said in return she wants me to go in the toilet area behind the curtain and leave it cracked so she could see me stroke my penis. She said ²⁰ (continue on page)

V. RELIEF

I understand that in a Section 1983 action the Court cannot change my sentence, release me from custody or restore good time. I understand I should file a petition for a writ of habeas corpus if I desire this type of relief. MD (please initial)

The plaintiff wants the Court to: (check those remedies you seek)

☒ Award money damages in the amount of \$ 500,000

☒ Grant injunctive relief by Arresting Stormy Danpe

Other _____

VI. PLACES OF INCARCERATION

Please list the institutions at which you were incarcerated during the last six months. If you were transferred during this period, list the date(s) of transfer. Provide an address for each institution.

Virginia Beach Correctional Center

P.O. Box 6098

Virginia Beach, VA 23456

VII. CONSENT

CONSENT TO TRIAL BY A MAGISTRATE JUDGE: The parties are advised of their right, pursuant to 28 U.S.C. § 636(c), to have a U.S. Magistrate Judge preside over a trial, with appeal to the U.S. Court of Appeals for the Fourth Circuit.

Do you consent to proceed before a U.S. Magistrate Judge: Yes ☒ No ☐. You may consent at any time; however, an early consent is encouraged.

VIII. SIGNATURE

If there is more than one plaintiff, each plaintiff must sign for himself or herself.

Signed this 24th day of JANUARY, 20 22.

Plaintiff 